

From: ["Mylott, Richard" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE:GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=16543F1A0E1A4C4DAFE0611A15C85705-MYLOTT,RICHARD>](mailto:Mylott, Richard </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE:GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=16543F1A0E1A4C4DAFE0611A15C85705-MYLOTT,RICHARD>)
To: Wood
Joshua <JoWood@ap.org>
CC:
Date: 7/17/2014 1:36:02 PM
Subject: Qs re: brine spill

Hi Josh—hope below helps. The nature of EPA's roles and responsibilities are based on the specific circumstances associated with each spill. In this case, there were no indications of oil impacts to surface waters. The Tribe is the primary authority for spill response and the cleanup in areas of the drainage affected by brine water. I understand Glenda Baker Embry is the best contact for the Tribe.

Rich Mylott

-Did the EPA conduct its own air, water and soil tests at the scene of the site? Did the EPA conduct water tests in Lake Sakakawea and Bear Den Bay? If so, what did these tests show? If the EPA did not conduct these tests, did any independent body conduct these tests? By independent, I mean not Crestwood Midstream Partners LP or its subsidiary, nor a company they contracted nor somebody they recommended to the Three Affiliated Tribes.

No. The Tribe is the lead agency on the spill response and the best source for information related to sampling data. The lead response agency and responsible party are typically responsible for securing samples at spill sites. My understanding is that samples taken near drinking water intakes showed no indication of hydrocarbons or impacts from brine. I understand some samples were tested at a state lab, but you should confirm with the Tribe as they are lead. I also understand samples were taken at several locations; the Tribe will have specifics.

-What jurisdiction does the EPA have over of spills on reservations?

EPA investigates spills reported to the U.S. Coast Guard's National Response Center and provides support to state, tribal and local authorities as appropriate. EPA's primary role under our authorities is to ensure appropriate response actions are taken when 1.) oil spills threaten or impact surface waters or 2.) releases of hazardous substances pose an immediate and substantial threat to human health. Our specific roles as a lead or supporting agency also depend on the extent of state, tribal and local response capabilities. In this case, the spill involved brine water and there was no oil observed in the drainage leading to the bay or in the bay itself. As such, our roles were limited to an initial assessment and the provision of support to the Tribe as lead.

-I know that the state of North Dakota and the counties do not have jurisdiction over these kinds of spills. Are all spills on tribal lands reported to the EPA? If not, what kinds of spills do as far as size, location etc?

Yes. Oil and hazardous material spills with the potential to impact surface waters are reported to the U.S. Coast Guard's National Response Center, which notifies the

appropriate EPA region. There is a reportable quantity for spills/discharges which varies by chemical. For oil, the reportable quantity is a sheen on water.

-What did the EPA observe on the scene? Can you provide any reports filed about the incident?

EPA inspected the spill site and walked the length of the drainage. There were no signs of oil contamination along the spill flow path into the drainage below. There were no signs of oil in the drainage, in the beaver ponds, or below. There were no signs of oil on water at Bear Den Bay, or along the shoreline of the bay.

-The last statement I got from your office said the EPA was still investigating the extent of brine contamination.

Did brine get into Lake Sakakawea or the Bear Den Bay?

EPA observed no evidence of impacts to the bay or the lake, however the Tribe will be the best source for information.

Do we have figures on how much ground was affected by the spill and how much vegetation was killed off? Was wildlife affected?

The cleanup of the affected drainage is the Tribe's responsibility. The Tribe would be primary source for specifics related to the scope of impacts. The brine water did affect vegetation in the drainage and was held up in a series of beaver ponds.

-When was the EPA first notified of the Mandaree spill? Who notified the agency?

The company made a report to the NRC on July 8 at 13:16.

-Crestwood Midstream Partners LP estimates the cleanup will take weeks. A spill of a similar size occurred near the town of Alexander, North Dakota in 2006 and was still being cleaned up as of last week. Does the EPA concur with Crestwood's estimated clean-up timeline?

The cleanup of the drainage is the Tribe's responsibility. The Tribe will be the best source for specific cleanup requirements and estimates on how long actions will take.

-How does saltwater impact the environment? Particularly what does it do to soil, vegetation etc that it comes in contact with?

Saltwater contains high concentrations of dissolved solids that can be toxic to vegetation and aquatic organisms. It can also make water unsuitable for drinking.

-What challenges does cleaning up brine pose? Are there specific challenges with this spill? Has the EPA made recommendations on how to proceed?

The Tribe is responsible for the cleanup of the drainage. The primary concern will be flushing the drainage with fresh water and helping vegetation recover. Precipitation is also a factor in diluting concentrations in soils and helping with recovery.